KENT TRIBBLE

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1   the department because of the badge bending,

2   you have made a correlation to that being

3   intertwined with the excessive force. How did

4   that correlation come to be, in your opinion,

5   based on your belief that you were a part of

6   that?

7   MS. KNIGHT: Objection,

8   misstates testimony, foundation,

9   speculation.

10   MS. LORENTSON: Cool.

11   THE WITNESS: Can I answer?

12   MS. KNIGHT: You can, yeah. I

13   am not going to instruct you not to.

14   Go ahead.

15   THE WITNESS: I have a -- not to

16   be rude, but I do take issue with your

17   allegation that there is any

18   correlation with excessive force,

19   because I have been around this

20   department for almost all of these

21   events that we've talked about, and

22   every one of them has not only been

23   investigated by the department but by

24   the District Attorney's Office, the

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1   criminal division of our own Police

2   Department, and then I believe

3   subsequently by the Department of

4   Justice all the way back to 2000 in

5   both counties that I worked in.

6   I take issue with you saying

7   that it was excessive force, because

8   none of these cases, in my knowledge,

9   have ever been ruled as unjustifiable

10   shootings or excessive force. So I

11   will say that the correlation is with

12   the officer-involved shootings.

13   I'm trying to be very clear that

14   I am not saying excessive force.

15   BY MS. LORENTSON:

16   Q.   Understood. Understood. And

17   with that qualification, is it accurate then to

18   say that every police-involved shooting that's

19   happened at Vallejo, all of your knowledge, has

20   been completely justified?

21   A.   Yes.

22   Q.   Every single one?

23   A.   Yes.

24   Q.   Even when there has been a

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```
 1        finding by the City of Vallejo that it was not

 2        justified?

 3             A.        I don't always agree with their

 4        findings and I don't know which case you're

 5        talking about, but all the ones that I know

 6        about --

 7             Q.        Uh-huh.

 8             A.        -- I feel are justifiable; and

 9        if they go all the way up to the Supreme Court,

10        I think they'll agree with me.

11             Q.        What's an example of an

12        unjustified police shooting?

13             A.        An unjustified police shooting

14        would be a shooting that occurs when there is

15        not reasonable articulable facts that would

16        lead that officer to believe that the discharge

17        of a weapon was necessary to protect his life,

18        somebody else's life or, several years back,

19        prevent the flight of an armed felon who

20        presented immediate danger to the public if

21        remaining at large and no other reasonable

22        means of apprehending him was available.  Those

23        are the reasons you could discharge a firearm.

24                       Now, those are what Graham v.
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1   Connor outlined clearly, which is the law of

2   the land for use of force. Sometimes

3   California doesn't really follow it,

4   unfortunately, they make it stricter, which

5   they have done recently.

6   But Graham v. Connor is what is

7   the law of the land across the country for

8   state use of force by police officers and so is

9   Tennessee vs. Garner. Those clearly state the

10   criteria required for a reasonable shoot that's

11   justified.

12   Now, that doesn't mean that the

13   officer at the time always made the desired

14   decision upon retrospect and reflection, but

15   made a reasonable decision that any other

16   reasonable officer faced with the same facts

17   and the same circumstances would have probably

18   come to, even if it's a mistake, and that goes

19   to the mistake-of-fact shootings where cell

20   phones are misidentified, hammers are

21   misidentified.

22   Those are horrible events that

23   traumatize the officer probably more than

24   anyone else besides the suspect and the

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1   suspect's family, but they occur, and because

2   the decisions are made in a split second where

3   nobody has time to freeze the 32-second frame

4   or 30-second, 60-second, you know what I'm

5   talking about, frames for second video, and

6   then hash it out in some comfortable meeting

7   room with air conditioning, not after being

8   punched in the face, in a car chase, up for 15

9   hours on a mandatory holdover.

10   The Supreme Court has realized

11   those conditions, and just because they're not

12   pretty, and no use of force is pretty, and no

13   use of force, no matter how righteous will ever

14   be something someone feels good about that I'm

15   aware of, but those are the minimum

16   requirements to make a shooting justifiable.

17   Now, people can argue about

18   armed versus disarmed. Car is armed, baseball

19   bat next to the leg is armed. Those are all

20   reasonable perceptions depending on the total

21   context and articulable facts involved in that

22   particular incident, perceived by that

23   particular officer.

24   That's why I'm telling you, and

KENT TRIBBLE

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1   I'm not trying to be mean but I'm very adamant

2   that I am not aware of any police shooting in

3   the City of Vallejo that failed to meet those

4   standards.

5   Q.   Are you aware of any shooting in

6   any city which you can look at and say, that

7   was an excessive use of force in an

8   officer-involved shooting?

9   A.   Yeah, I can, as a matter of

10   fact. And I don't remember what city it was.

11   I was shown it in a training video at a command

12   staff school and it had to do with a car chase

13   and an officer fired upon a suspect that had

14   simply come out of the vehicle, and I don't

15   know all the facts surrounding that case, but I

16   believe there was no way that that officer

17   could articulate the response that they had.

18   I'm also aware of an accidental

19   discharge of a firearm, I can't remember where

20   it was, I think it was Stockton, and it was by

21   a SWAT team, and it's something we specifically

22   changed our gear about and we practiced ways to

23   prevent it from happening, but it had to do

24   with an armed officer trying to take a suspect

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1   into custody, and the way the weapon was slung,

2   it discharged during the course of the

3   apprehension and the suspect was shot.

4   I'm also aware of a situation

5   that occurred in the City of Concord where I

6   would call it a negligent discharge by a

7   sergeant there taking someone into custody

8   caused a trigger to be pulled through

9   sympathetic reflex from grabbing the suspect

10   with one hand while holding a gun with another.

11   That would be an unjustifiable shooting.

12   So, yes, I have seen

13   unjustifiable shootings. I have not seen any

14   here in the City of Vallejo while I've worked

15   here.

16   Q.   You're not aware of any

17   incidents in the City of Vallejo involving

18   officers shooting at a car while the --

19   A.   I'm -- I'm aware of several of

20   those.

21   Q.   Right.

22   A.   That doesn't have anything --

23   Q.   How is that different than

24   someone getting out of a car and being shot?

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1   MS. KNIGHT: Objection and

2   argumentative.

3   MS. LORENTSON: It's not.   I'm

4   asking.

5   BY MS. LORENTSON:

6   Q.   I'm asking, how is that

7   different than the incident that Gary Jones and

8   Jarrett Tonn were involved in?

9   A.   I'd be happy to explain that.

10   Q.   Sure.

11   A.   The video that I saw, the car

12   was not a threat because it was on its side.

13   So I don't understand how an officer could

14   perceive the vehicle as a weapon, because it

15   was stationary and on its side.

16   In the two instances you're

17   referring to, the vehicles were being used as

18   weapons, as 3,000-pound projectiles that could

19   injure gravely anybody in their path.

20   And in the case that we

21   discussed about the identification of the

22   subject in the stolen car, when I watched that

23   video, it was clear that that suspect had an

24   avenue of escape off to the front left side of

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1   his vehicle but chose to put that vehicle in

2   reverse and reverse it into the vehicle of our

3   officers who were exiting their vehicle. Those

4   are entirely different circumstances.

5   Q.   So any incident in which a

6   vehicle is just driving away from an officer

7   and an officer fires at that vehicle while it's

8   driving away, that would be in your opinion an

9   unreasonable use of force?

10   A.   I think that's too simple to use

11   that as an example. There are a lot of

12   contextual things that need to be considered.

13   There are some cases where I

14   believe it would be reasonable use of force to

15   fire at a weapon that was going away from an

16   officer and some cases that I wouldn't, I would

17   have to have more information than that,

18   because that vehicle would have to be a threat

19   to whomever is in the path of that vehicle, in

20   which case the officer is responsible for

21   trying to eliminate that threat to protect

22   human life.

23   There are other cases where that

24   vehicle may be being used simply to flee.

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1   That's what Graham v. Connor specifically

2   outlines, is the resistance designed for combat

3   or is it designed for flight.

4   And those are the things that

5   officers have to consider at 2 o'clock in the

6   morning after rolling their own car in a car

7   chase and getting in a fistfight and then

8   coming up with the right decision in a fraction

9   of a second that could cause them or somebody

10   else their life.

11   MS. LORENTSON: Understood.

12   I don't think I have any other

13   questions.

14   MS. KNIGHT: Great, and nothing

15   from me.

16   I will reserve the right to mark

17   portions of the deposition confidential

18   under the city's and the party's

19   Protective Order.

20   Jacob, do you have --

21   MR. GRAHAM: No; I'm good, you

22   guys.

23   MS. LORENTSON: Okay. Thank

24   you.

KENT TRIBBLE

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1   THE WITNESS: All right. Thank

2   you.

3   -   -   -

4   (Witness excused.)

5   -   -   -

6   (Deposition concluded at

7   3:10pm PST/6:10pm EST.)

8   -   -   -

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KENT TRIBBLE

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 1                    C E R T I F I C A T E

 2

 3              I do hereby certify that I am a
        Notary Public in good standing, that the
 4      aforesaid testimony was taken before me,
        pursuant to notice, at the time and place
 5      indicated; that said deponent was by me duly
        sworn to tell the truth, the whole truth, and
 6      nothing but the truth; that the testimony of
        said deponent was correctly recorded in machine
 7      shorthand by me and thereafter transcribed
        under my supervision with computer-aided
 8      transcription; that the deposition is a true
        and correct record of the testimony given by
 9      the witness; and that I am neither of counsel
        nor kin to any party in said action, nor
10      interested in the outcome thereof.
11              WITNESS my hand and official seal
        this 1st day of December, 2023.
12

13

14
            _ _ _ _ _ _ _ _ _ _ _ _        _
15
                   Notary Public
16

17

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KENT TRIBBLE

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1   INSTRUCTIONS TO WITNESS

2   Please read your deposition over

3   carefully and make any necessary corrections.

4   You should state the reason in the appropriate

5   space on the errata sheet for any corrections

6   that are made.

7   After doing so, please sign the

8   errata sheet and date it.

9   You are signing same subject to

10   the changes you have noted on the errata sheet,

11   which will be attached to your deposition.

12   It is imperative that you return

13   the original errata sheet to the deposing

14   attorney within thirty (30) days of receipt of

15   the deposition transcript by you. If you fail

16   to do so, the deposition transcript may be

17   deemed to be accurate and may be used in court.

18

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                                                        Page 212

 1                      - - - - - - -

 2                      E  R  R  A  T  A

 3                      - - - - - - -

 4       PAGE      LINE      CHANGE

 5       _ _ _     _ _ _     _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

 6       Reason for Change:

 7        _

 8       _ _ _     _ _ _     _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

 9       Reason for Change:

10

11       _ _ _     _ _ _     _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

12       Reason for Change:

13

14       _ _ _     _ _ _     _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

15       Reason for Change:

16

17       _ _ _     _ _ _     _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

18       Reason for Change:

19

20       _ _ _     _ _ _     _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

21       Reason for Change:

22

23

24       ASSIGNMENT NO:   6128450
```

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1   ACKNOWLEDGMENT OF DEPONENT

2   I, _ _ _ _ _ _ _ _ _ _ _ _ _ , do

3   hereby certify that I have read the foregoing

4   pages _ _ to _ _ and that the same is a

5   correct transcription of the answers given by

6   me to the questions therein propounded, except

7   for the corrections or changes in form or

8   substance, if any, noted in the attached Errata

9   Sheet.

10

11   _ _ _ _   _ _ _ _ _ _ _ _ _ _ _ _ _

12   DATE   SIGNATURE

13

14   Subscribed and sworn to before me

15   this_ _ _ _ _ day of _ _ _ _ _ _ _ _ _ ,

16   2023.

17

18   My commission expires:

19   _   _ _ _ _ _ _ _

20

21

22   Notary Public

23

24

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1   Katelyn Knight, Esq.

2   Katelyn.Knight@cityofvallejo.net

3   December 1st, 2023

4   RE: Monterrosa, Neftali Et Al v. City Of Vallejo Et Al

5   11/8/2023, Kent Tribble (#6128450)

6   The above-referenced transcript is available for

7   review.

8   Within the applicable timeframe, the witness should

9   read the testimony to verify its accuracy. If there are

10   any changes, the witness should note those with the

11   reason, on the attached Errata Sheet.

12   The witness should sign the Acknowledgment of

13   Deponent and Errata and return to the deposing attorney.

14   Copies should be sent to all counsel, and to Veritext at

15   cs-midatlantic@veritext.com.

16

17   Return completed errata within 30 days from

18   receipt of testimony.

19   If the witness fails to do so within the time

20   allotted, the transcript may be used as if signed.

21

22   Yours,

23   Veritext Legal Solutions

24

25

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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Veritext Legal Solutions represents that the

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transcript of the colloquies, questions and answers

as submitted by the court reporter. Veritext Legal

Solutions further represents that the attached

exhibits, if any, are true, correct and complete

documents as submitted by the court reporter and/or

attorneys in relation to this deposition and that

the documents were processed in accordance with

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